

is brochure supplements the video, "Divorce in Maine: An Introduction." Please take it with you as a summary of important information about the divorce process in Maine. To protect your interests and those of your children, you should be aware of the information in this video and this guide.

REMEMBER

Divorce is a very serious matter with emotional, legal, and financial consequences that could affect you, your spouse, and your children for many years to come. **Do not take it lightly!**

Get an attorney, if at all possible, especially if you have complicated issues relating to children, estate, significant financial assets or debts, or a need for alimony. The investment in legal advice will pay off in the long run.

You must participate in the process completely and in good faith. Whether you are the plaintiff or the defendant, you must meet all deadlines and provide the required information.

Steps outlined here and in the video will help you understand your obligations.

○ **Court personnel cannot** provide legal advice-- please don't ask. They can suggest resources, provide forms, and explain procedures. Use their time wisely.

○ **Do not rely on legal advice from well meaning** friends and relatives, unless they have legal training.

GETTING STARTED

○ **You must have resided in Maine for the last six months** or meet other legal requirements to file for divorce in this state.

○ **Go to the court clerk's office to**

- Get necessary forms
- Get information on fees
- Learn about available help
- Set trial dates
- Notarize court forms

○ **Fill out the forms carefully and completely.**

○ **Notify the clerk** if you change your address or phone number.

○ **Serve copies of the Complaint** and Summons forms on your spouse.

○ File **original** forms with the clerk.

THE FOLLOWING RESOURCES
MAY BE ABLE TO HELP YOU WITH
QUESTIONS ABOUT
DIVORCE
AND OTHER FAMILY ISSUES

THE FAMILY RESOURCE DIRECTORY
Available at the Court Clerk's Office

These organizations offer assistance at no charge to individuals who meet specific income guidelines:

PINE TREE LEGAL ASSISTANCE
1-207-774-8211

VOLUNTEER LAWYERS PROJECT
1-800--442-4293

CUMBERLAND LEGAL AID CLINIC
780-4370

For a \$20 fee, this organization refers callers to attorneys for a one half hour consultation:

ME. LAWYER REFERRAL SERVICE
1-800-860-1460

The court does not have child care facilities at this time. Please make arrangements for someone to care for your children while you are at court.

A POCKET GUIDE

TO ACCOMPANY

DIVORCE
IN MAINE :

AN INTRODUCT

A VIDEO

PRODUCED BY
THE JUDICIAL BRANCH
DIVORCE TEAM

WITH

CORPORATE VIDEO PRODUCTION
INC.

1996

You must provide the clerk with proof of service of the complaint and summons. This is done by filing with the clerk the original summons signed by the deputy sheriff who served it, or by filing the acknowledgement of service form after your spouse signs and returns it to you in the prepaid envelope you provide.

PAYMENT OF FEES

If you cannot pay all the court fees, you should contact the court clerk.

COPIES OF FORMS

You must send your spouse copies of all forms that you file. Your hearing may be delayed or postponed if you do not.

NOTICE TO DHS

If there are children from the relationship who have received, are receiving or will receive public assistance benefits, or if the Dept. of Human Services (DHS) has been asked to provide child support enforcement services, you must provide DHS with a copy of the complaint. Until this is done, there will not be a court hearing. The Dept.'s address is on the complaint.

If you have been served with a Complaint and Summons, you have important legal obligations and responsibilities. You must participate fully in the process to protect your rights and those of your children. Below are some important things you should know.

○ If the Complaint and Summons are mailed to you, date, sign, and return the Acknowledgement of Service form within 20 days.

○ You may respond to the Complaint by sending an "Answer" to the court, agreeing or disagreeing with the statements in the Complaint. You must prepare your own answer. There is no form.

○ If you do not prepare an answer, you should file an Entry of Appearance form to show your interest in the case and to be sure you get notice of all hearings.

○ After the complaint is filed, your spouse may file other motions with the court. If you disagree with anything your spouse requests, you must object in writing within the deadlines set by the court rules.

○ You must give your spouse copies of all forms that you file.

There are other forms that may apply to your situation.

○ **A Child Support Affidavit** must be completed by each parent when children under 18 are involved. This provides financial information so the court can compute child support.

○ **A Child Support Worksheet** must be prepared when there are children. The worksheet is used to calculate child support, based on the State's Child Support Guidelines. Affidavits and worksheets must be filed at least three days before mediation or a court hearing.

○ **The Financial Statement** is an affidavit that must be filed when either party owns real estate, when alimony or attorney fees are requested, or when the parties cannot agree on how to divide their property or debts.

○ **A Certificate In Lieu of Financial Statement** may be filed when a Financial Statement is not required.

○ **A Federal Affidavit** must be filed if the defendant does not answer or appear in court.

Remember that all Affidavits must have notarized signatures.

Mediation is required for a contested divorce, on any issue that has not been resolved.

Mediation is an informal meeting between both parties with a neutral person trained to help people resolve conflicts. It is your chance to work out an agreement to present to the court. When a party is represented by an attorney, the attorney also attends the mediation session.

If there is no agreement, the court decides if the agreement is unfair or not in the best interests of the children, the court decides the issues.

Maine law requires a waiting period of 30 days before a divorce hearing is held. **The plaintiff must arrive at the hearing date with the clerk.** Your spouse must be sent written notice of the hearing date.

You and your spouse must appear at the hearing to discuss why you want a divorce and what you would like in the court order. Your proposal should be in writing. The judge will sign an order after your hearing.

The order will tell each party what they are required to do. You must follow the order. If you believe an error has been made in the order, notify the court in writing immediately.